

REMARKS

Claims 1-13 were examined and reported in the Office Action. Claims 1-13 were rejected. Claims 1-13 are cancelled. Claims 14-113 are added. Claims 14-113 remain.

Applicant requests reconsideration of the application in view of the following remarks.

I. 35 U.S.C. §103(a)

A. It is asserted in the Office Action that claims 1-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over U. S. Patent No. 4,775,970 issued to Ishii ("Ishii") in view of U. S. Patent No. 5,204,193 issued to Sato et al. ("Sato"). Applicant respectfully disagrees. Applicant has cancelled claims 1-13 and added new independent claims 14, 27, 40, 53, 66, 78, 90 and 102.

According to MPEP §2142 "[t]o establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." (In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). Further, according to MPEP §2143.03, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974))." *"All words in a claim must be considered in judging the patentability of that claim against the prior art."* (In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970), emphasis added.)

Ishii discloses an optical recording/reproducing card. The two beams disclosed by Ishii are a recording light beam (source 5) and a reproduction light beam (source 1). The beam from source 5 is used to encode information onto the photosensitive recording medium. The beam from source 1 is used to retrieve (i.e., reproduce) the

information that has previously been encoded from beam 5. The method of Ishii is distinguishable from Applicant's claimed invention in that Applicant's two coherent beams are "writing" beams, both used jointly to ensure the encoding of information under a one or two photon absorption process. Also, it should be noted that a third beam is used to retrieve the information in the form of an outgoing beam at the harmonic wave length.

Further, in Ishii the beams emitted from source 1 and source 5 are individually coherent, as the beams are laser beams. And, nowhere in Ishii is it disclosed that there is a need for mutual coherence with mutually phase locked beams, as with Applicant's claimed invention, which requires mutually coherent write light beams. Mutually coherent beams are usually obtained where one of the two beams is generated from the other through some second harmonic generation process, such as a phased matched frequency doubling crystal (e.g., KDP crystal).

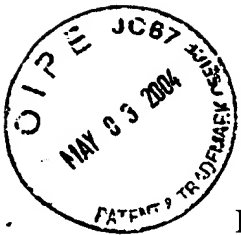
Sato discloses a recording magneto-optical recording medium having a dual perpendicular magnetic layer. Distinguishable, Applicant's claimed invention includes a method for writing optically linear or non-linear information in the form of adequately tailored quadratic susceptibility terms. Sato, however, has nothing to do with optical writing. In Sato, the information is stored through magnetisation and increased temperature.

If Sato and Ishii were combined, the resulting invention would still not result in Applicant's claimed invention as the combined invention would teach away from Applicant's claimed invention. That is, Applicant's claimed invention has purely optical encoding and uses polarization tailored local modification of the molecular orientational distribution.

Therefore, even if the disclosures of Ishii and Sato were combined the resulting invention would still not include all the limitations of claims 14, 27, 40, 53, 66, 78, 90 and 102 as neither Ishii, Sato, nor the combination of the two, teach, disclose or suggest the limitations contained in Applicant's claims 14, 27, 40, 53, 66, 78, 90 and 102, as listed above. Since neither Ishii, Sato, nor the combination of the two, teach, disclose or suggest all the limitations of Applicant's amended claims 14, 27, 40, 53, 66, 78, 90 and 102, as listed above, there would not be any motivation to arrive at Applicant's claimed

invention. Thus, Applicant's claims 14, 27, 40, 53, 66, 78, 90 and 102 are not obvious over Ishii in view of Sato since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claims that directly or indirectly depend from claims 14, 27, 40, 53, 66, 78, 90 and 102, namely claims 15-26, 28-39, 41-52, 54-65, 67-77, 79-89, 90-101, and 103-113, respectively, would also not be obvious over Ishii in view of Sato for the same reason.

Accordingly, withdrawal of the 35 U.S.C. §103(a) rejection for claims 1-13 is respectfully requested.



CONCLUSION

In view of the foregoing, it is submitted that claims 14-113 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

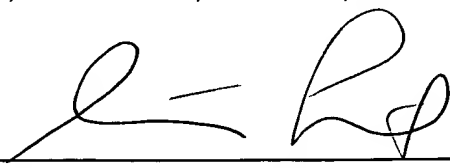
If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

PETITION FOR EXTENSION OF TIME

Per 37 C.F.R. 1.136(a) and in connection with the Office Action mailed on WEDNESDAY DECEMBER 31, 2003, Applicant respectfully petitions the Commissioner for a one (1) month extension of time, extending the period for response to MONDAY MAY 3, 2004 (April 31, 2004 being a Saturday). The Commissioner is hereby authorized to charge payment to Deposit Account No. 02-2666 in the amount of \$110.00 to cover the petition filing fee for a 37 C.F.R. 1.17(a)(1) large entity. A duplicate copy of this sheet is enclosed.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

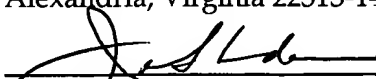
Dated: April 30, 2004

By: 
Steven Laut, Reg. No. 47,736

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop Fee Amendments, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on April 30, 2004.


Jean Svoboda